

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**MICHAEL BADGETT**

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**NO. 5:17-cr-00031-XR-1**

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**DEFENDANT’S MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE**

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**TO THE HONORABLE XAVIER RODRIGUEZ, UNITED STATES DISTRICT JUDGE  
FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION:**

NOW COMES MICHAEL BADGETT, Defendant in the above entitled and numbered cause, by and through his undersigned Counsel, Amanda I. Hernandez, and respectfully moves this Court to consider early termination of supervised release. In support thereof, Mr. Micahel Badgett would respectfully show this Honorable Court as follows:

**I.**

Defendant Michael Badgett was charged by Information in this case on January 12, 2017, with three (3) Counts of Willful failure to file return, supply information, or pay tax in violation of Title 26 U.S.C. § 7203. *See* Dkt. No. 1. He pleaded guilty to all three counts on January 31, 2017 (*See* Dkt. No. 10), after a written plea agreement and factual basis were filed on January 30, 2017. *See* Dkt. No. 7; Dkt. No. 9.

On January 10, 2018, he was sentenced to 4 months imprisonment on each of the three counts to run consecutive, for a total sentence of twelve (12) months to be served at a halfway house in the State of Florida. He was further sentenced to a term of one (1) year supervised release on each count to run concurrent and was ordered to pay \$5,391,464.00 in restitution and a \$25

special assessment for each count. *See* Dkt. No. 32, *attached* as Exhibit 1. An amended judgment was filed on January 24, 2018, sentencing him to the same term of imprisonment but amending the term of supervised release to one (1) year on each count to run consecutive, for a total term of three (3) years supervised release and ordering him to pay \$5,391,464.00 (and accrued interest) in restitution and a \$25 special assessment for each count. *See* Dkt. No. 35, *attached* as Exhibit 2. Then, on February 5, 2018, the sentence was again amended to clarify the restitution amount from \$5,391,464.00 (plus accrued interest) to a total of \$6,527,491.76. *See* Dkt. No. 38, *attached* as Exhibit 3.

Defendant Michael Badgett began his supervision term on March 20, 2019, and his supervised release is scheduled to end in less than four (4) months, on March 19, 2022.

On March 18, 2020, a Report on Offender Under Supervision was filed in Defendant Michael Badgett's case alleging he was delinquent in his restitution payment, but the Officer noted the reasons Mr. Badgett had given for the same and requested that no further action be taken in the matter. *See* Dkt. No. 42, *attached* as Exhibit 4. Defendant Michael Badgett has had no other violations since his supervised release term began on March 20, 2019 and has remained compliant with all other conditions of release. U.S. Probation has also recently informed Defense Counsel that Defendant has been making regular monthly payments toward the restitution owed.

## II.

Defendant has been on supervised release for over 32 months and is less than four months away from completing his term of supervision. Title 18 U.S.C. § 3583(e)(1) authorizes the district court to terminate a term of supervised release and discharge a defendant released at any time after the expiration of one year of supervised release if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice. This same section directs the court to

consider various factors set forth in 18 U.S.C. § 3553(a) in determining whether such a decision is warranted. These factors include the nature and circumstances of the offense, the history and characteristics of the defendant, and the need to protect the public from further crimes of the defendant.

**A. History and Characteristics of Defendant Michael Badgett.**

Defendant Michael Badgett was born and raised in Houston, Texas. He graduated from Sam Houston State University and got married in 1991. The two had three children and were married until 2016. Mr. Badgett is a loving father to his three grown children and a loving grandfather to his one grandchild. All three of his children attended or are currently attending college.

Mr. Badgett worked in the oil & gas industry for 11 years in Houston before being transferred to Dubai, United Arab Emirates in 2002. He worked in several locations all over the Middle East, South East Asia & East Africa. Later, Mr. Badgett was hired by a United States Government Contractor and worked in the DC area with multiple government agencies and contractors for about 2.5 years in business development.

In 2007, Mr. Badgett left the contract job and he and his family moved to Dubai, where he helped form a company named Stratex Freedom Services. That company built a 42-building compound in Kabul, Afghanistan called “Green Village” which housed, officed, secured, and assisted over 2,300 personnel from various contractors and agencies including the US Army, UN Agencies, European Police Commission, German Military, Safi flight crew, and various other Government agencies and contractors. With Green Village, Defendant Michael Badgett feels he was able to serve our country in a civilian capacity, as he helped protect the lives of thousands of different people that passed through Green Village during his time there. Looking back, he

describes having the facility approved by the US Military to house and secure US Army personnel there as the “greatest honor of [his] life.” In 2011, he sold his shares of the company and moved back to San Antonio, Texas, where he took time off to spend with his children over the next few years.

After his release from his term of imprisonment in the instant case, he established a residence in Naples, Florida in 2019 and tried to find employment. In May of 2020, he decided to move to Houston, Texas, to be closer to his family. There, he began working as a construction general manager for GSI, LLC, where he remains today. In his job, he uses specialized, project management techniques to oversee the planning, design, and construction of a project, from its beginning to its end. Since his release, he has remained focused on his employment and spending time with his family and looks forward to putting this case behind him soon.

**B. Letters to the Court from Defendant Michael Badgett’s Friends and Family.**

1. Letter from Michael Badgett’s friend, Cristin Flannery

Cristin Flannery, a friend of Michael Badgett, writes a letter in support of Michael. She has known him for over 2 years and describes him as a great manager and co-worker. She adds that Michael has always displayed a high degree of integrity, responsibility and ambition. Lastly, she feels that Michael is dedicated to helping others, especially his elderly parents and family. *See* Letter from Cristin Flannery, *attached* as Exhibit 5.

2. Letter from Theresa Badgett, Michael Badgett’s sister.

Michael Badgett’s sister, Theresa Badgett, also writes a letter of support for her brother. She tells this court she is aware of the instant case and that her office, Badgett Tax and Financial, has worked hard to ensure that all of his tax returns have been filed and that all IRS correspondence

remains current. She describes her brother as “a wonderful father of 3” and adds that he is an “anchor” for his family. She hopes you will consider her letter in making your determination about his early release. *See* Letter from Theresa Badgett, *attached* as Exhibit 6.

**C. Michael Badgett’s United States Probation Officer, Natasha Wright, is not opposed to Early Termination of Supervised Release.**

Michael Badgett’s United States Probation Officer, Natasha Wright, has no objection to an early termination of his supervised release. She informed Undersigned Counsel that he has been compliant while on supervised release and that she has not had any issues with him. While she did note that he still owes a large amount of restitution, she says he has been making his regularly scheduled payments.

**III.**

Counsel for the Government, Assistant United States Attorney Karina O’Daniel, has indicated that the Government will not take a position regarding Mr. Badgett’s early release and will defer to the Court and the Probation Office in this case.

**WHEREFORE, PREMISES CONSIDERED,** Defendant Michael Badgett respectfully prays that this Honorable Court grant this Motion terminate his supervised release and discharge the said Michael Badgett or, in the alternative, that this matter be set for a hearing after which this Motion will be granted in all things and for other such relief that this Honorable Court deems just and right.

Respectfully Submitted,

AMANDA I. HERNANDEZ  
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210-738-8383

210-728-3438 facsimile

BY: /s/ Amanda I. Hernandez

Amanda I. Hernandez

ATTORNEY FOR DEFENDANT,  
Michael Badgett.

**CERTIFICATE OF SERVICE**

I certify that a true and exact copy of the Defendant Michael Badgett's Motion for Early Termination of Supervised Release was electronically sent *via* email to Assistant United States Attorney Karina O'Daniel at Karina.O'Daniel@usdoj.gov on November 23, 2021.

/s/ Amanda I. Hernandez

Amanda I. Hernandez

**CERTIFICATE OF CONSULTATION**

This is to certify that the undersigned counsel conferred with the Counsel for the Government regarding this motion and:

\_\_\_\_\_ She does not oppose it.

\_\_\_\_\_ She does oppose it.

\_\_\_\_\_ Our attempts to resolve it were unsuccessful.

  X   Counsel were able to agree regarding the motion as follows: The Government takes no position on this matter and will defer to the Court and US Probation in this case.

\_\_\_\_\_ Counsel's attempt to contact the government was unsuccessful.

/s/ Amanda I. Hernandez

Amanda I. Hernandez

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**ORDER ON DEFENDANT’S MOTION FOR  
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On this the \_\_\_\_\_ day of \_\_\_\_\_, 2021, the Court considered Defendant’s Motion for Early Termination of Supervised Release. The Court finds that this Motion has merit and should be granted. **IT IS THEREFORE ORDERED that Defendant MICHAEL BADGETT’s term of supervised release be TERMINATED, that Defendant be discharged released and for other such relief that this Honorable Court deems just and right.**

GRANTED.

DENIED.

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**HONORABLE XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE**